

In the High Court of Punjab and Haryana, Chandigarh.

Criminal Revision No. 497 of 1995

Date of Decision: 14.2.2008.

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH
AHLUWALIA**

Present: Mr. R.K.Dadwal, Advocate
for the petitioner.

Mr. Mehardeep Singh, Assistant Advocate
General, Punjab, for the State.

Kanwaljit Singh Ahluwalia, J. (Oral)

Jarnail Singh son of Darbara Singh, who was driving the bus bearing registration No. PAB-5108 has been found by the Courts below that due to his act of rash and negligent driving he hit the cycle of Nawab alias Bittu due to which he died at the spot. In the present case, on July 20, 1995, at a motion hearing, learned Bench passed the following order:-

“Mr. K.S.Dadwal, Advocate

Heard the learned counsel and perused
the impugned order. This revision is admitted qua

sentence only. The petitioner deserves to be admitted to bail and is enlarged on bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate, Jalandhar.

20.7.1995

(K.K.SRIVASTAVA)
JUDGE”

Since the learned Judge after hearing the counsel and perusing the impugned order found not to interfere on the merits of the case, the Court need not to dwell on the factual position of the case.

Mr. R.K.Dadwal has very fairly stated that due to the order passed at the motion hearing, he will confine his argument only on quantum of sentence. It has been stated before me that in the present case, accident has taken place in the year 1991. A period of 17 years is going to lapse. From the head note of the trial Court judgement, the age of the petitioner is given as 32 years. Mr. Dadwal has stated that in the last 17 years, petitioner has fastened himself with many liabilities of the family and children. Sending him behind the bars will cause stigma and will have an affect on the marriage prospects of his children. It has been further stated at bar that petitioner, in the last 17 years, has committed no offence.

Hon’ble the Apex Court has taken a view that in cases of accident, probation should not be granted. The petitioner is said to have undergone about one week behind the bars. His sentence from one year was reduced to nine months by the learned Appellate Court in the year 1995. For the last 13 years much water has flown.

Taking protracted trial into consideration and fact that sending

the petitioner behind the bars will serve no useful purpose, I deem it appropriate to compensate the family of the deceased by awarding a fine of Rs.50,000/-, which will be given as compensation to the legal heirs of the deceased. On deposit of Rs.50,000/-, the sentence of petitioner shall stand reduced to already undergone. Sentence of fine shall be deposited in the trial Court on 15.5.2008. Non-deposit of fine by the petitioner will render this petition as dismissed.

With these modifications, the present revision petition is disposed off.

(Kanwaljit Singh Ahluwalia)
Judge

February 14, 2008
“DK”